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| 10/647,824 | 08/25/2003 | Alan Packer | MS#303277.01 (5074) | 2913 |
| 321 7590 01/22/2008 SENNIGER POWERS LLP ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102 | | | EXAMINER NGUYEN, QUANG N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2141 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

10/647,824

Applicant(s)

PACKER, ALAN

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-23, 25-32, 34-38, 40-44, 46-48, 52-55 and 58-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-23, 25-32, 34-38, 40-44, 46-48, 52-55 and 58-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

1. This Office Action is responsive to the Request for Continued Examination (RCE) filed on 01/11/2008. Claims 1, 15, 29, 36, 42, 48, 54, and 60-62 have been amended. Claims 10, 12, 24, 33, 39, 45, 49-51 and 56-57 have been canceled. Claims 1-9, 11, 13-23, 25-32, 34-38, 40-44, 46-48, 52-55 and 58-62 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2007 has been entered.

Claim Objections

3. Claim 25 is objected to because of the following informalities:

On line 1 of claim 25: "The system of claim 24 ..." should be "The system of claim 24 15 ..."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 recites the limitation "looking up" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-9, 11, 13-23, 25-32, 34-38, 40-44, 46-48, 52-55 and 58-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bandini (US 7,117,358), in view of Kester et al. (US 7,194,464), hereinafter "Kester".**

8. As to claim 1, **Bandini** teaches a system for handling an electronic communication, said system including a computer readable storage medium having

instructions stored thereon, when executed by a computer processor, to perform a method of:

receiving the electronic communication (*i.e., intercepting email messages*)
(Bandini, col. 3, lines 37-42 and col. 6, lines 50-54);

parsing the received electronic communication to identify URLs within the received electronic communication (*i.e., extracting the URLs from incoming messages*)
(Bandini, col. 3, lines 37-42 and col. 6, lines 50-54); and

routing the communication as a function of the categorized URLs (*i.e., SPAM, Clean and Borderline messages are routed accordingly*) **(Bandini, col. 4, lines 22-35).**

However, **Bandini** does not **explicitly** teach for each identified URL, sending a request to a categorizing server system to identify the category assigned to each identified URL, said categorizing server system employing a URL database to cross reference the identified URL and to maintain URL categories.

In an analogous art, **Kester** teaches a system and method configured to receive a requested identifier (URL), and to control (*i.e., to allow or deny*) access to the Internet website/page associated with the URL based on one or more categories associated with the URL, using a master database of identifiers along with one or more categories associated with each identifier **(Kester, Abstract and col. 1, line 53 – col. 2, line 12).**

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of classifying/categorizing, *i.e., looking up the category of each identified URL via a categorizing server, as disclosed by Kester, into the teachings of Bandini.*

One would be motivated to do so to determine whether to control (*i.e., allow or deny*) access to the Internet website/page associated with the identified URL according to one or more categories associated with the URL (**Kester, col. 1, lines 59-62**).

9. As to claim 2, **Bandini-Kester** teaches the system of claim 1 wherein the received electronic communication comprises one or more electronic emails selected from the group comprising: an email, an instant message or a chat room statement (**Bandini, Abstract and col. 3, lines 37-42**).

10. As to claim 3, **Bandini-Kester** teaches the system of claim 1 further comprising rating the electronic communication as a function of its identified URLs and routing the electronic communication as a function of the rating of the electronic communication (**Kester, Abstract and col. 1, line 59-62 and Bandini, col. 4, lines 22-35**).

11. As to claim 4, **Bandini-Kester** teaches the system of claim 3 wherein the rating comprises assigning a number to each identified URL based on its appropriateness or rating each identified URL as appropriate or inappropriate (**Kester, col. 8, lines 3-25**). The same motivations regarding the obviousness of claim 1 would be applied equally well to claim 4.

12. As to claim 5, **Bandini-Kester** teaches the system of claim 4 wherein the electronic communication is not routed to an addressee when assigned number or the

percentage of inappropriate URLs relative to the total of inappropriate and appropriate URLs of the electronic communication is greater than a threshold amount (*i.e.*, *SPAM, Clean and Borderline messages are routed accordingly*) (**Bandini, col. 4, lines 22-35**).

13. As to claim 6, **Bandini-Kester** teaches the system of claim 5 wherein the threshold amount is a dynamic or weighted amount based on various factors (**Bandini, col. 4, lines 11-35**).

14. As to claims 7-9, **Bandini-Kester** teaches the system of claim 5 wherein the threshold amount is at least approximately 50%, or at least substantially 10%, or greater than zero (*the threshold value dynamically assigned by the administrator so as to allow for adjusting SPAM filtering sensitivity*) (**Bandini, col. 4, lines 11-35**).

15. As to claim 11, **Bandini-Kester** teaches the system of claim 1, wherein looking up comprises connecting to an on-line lookup service (*i.e.*, *a filter system and/or a database factory*) to determine the category of each identified URL (**Kester, Fig. 1, col. 1, line 53 – col. 2, line 12 and col. 4, lines 33-38**). The same motivations regarding the obviousness of claim 1 would be applied equally well to claim 11.

16. As to claim 13, **Bandini-Kester** teaches the system of claim 1 wherein the routing includes a policy including an allow/block logic which determines to route the electronic communication to the addressee when the policy indicates that the electronic

communication passes the allow logic and fails the block logic and which determines to inhibit routing to the addressee when the policy indicates that the electronic communication fails the allow logic and passes the block logic (**Bandini, col. 4, lines 11-35**).

17. As to claim 14, **Bandini-Kester** teaches the system of claim 1, wherein the identifying includes using an on-line look-up tool kit (*i.e., using the filter system and/or the database factory*) (**Kester, Fig. 1, col. 1, line 53 – col. 2, line 12 and col. 4, lines 33-38**). The same motivations regarding the obviousness of claim 1 would be applied equally well to claim 14.

18. As to claims 15-23 and 25-28, claims 15-23 and 25-28 recite system claims that contain similar limitations as claims 1-9 and 11-14 (*wherein the communication is the web page*); therefore, obviously, they are rejected using the same rationale.

19. As to claims 29-32, 34-38 and 40-41, claims 29-32, 34-38 and 40-41 recite system claims that contain similar limitations as claims 1-9 and 11-14 (*wherein the communication is the email*); therefore, obviously, they are rejected using the same rationale.

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20. As to claims 42-44 and 46-47, claims 42-44 and 46-47 recite corresponding client side hardware system claims that contain similar limitations as system claims 1-3 and 13-14; therefore, obviously, they are rejected using the same rationale.

21. As to claims 48 and 52-53, claims 48 and 52-53 recite corresponding server side hardware system claims that contain similar limitations as system claims 1-3 and 13-14; therefore, obviously, they are rejected using the same rationale.

22. As to claims 54-55 and 58-59, claims 54-55 and 58-59 recite corresponding server side hardware system claims that contain similar limitations as system claims 15-17, 24 and 27-28; therefore, obviously, they are rejected using the same rationale.

23. As to claims 60-62, claims 60-62 recite corresponding computer readable medium claims that contain similar limitations as system claims 1, 15, 29 and 36; therefore, obviously, they are rejected using the same rationale.

24. Applicant's arguments as well as request for reconsideration filed on 12/11/2007 have been fully considered but they are moot in view of the new ground(s) of rejection.

25. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

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26. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen
Primary Examiner – AU 2141
January 15th, 2008